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PROBLEM STATEMENTS

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5. Mental Health Needs of Juvenile Offenders
6. Number of Children in Secure Detention
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1. YOUNG JUVENILE OFFENDERS

The number of juvenile offenders aged 14 and under coming before the court now constitutes a large portion of the intake population. In 2002, 44,000 children were brought to intake for delinquent and status offenses. Of those brought for delinquent offenses, 31% or 14,000 children were aged 14 and under. Of those brought for status offenses, 36% or about 4,000 children were aged 14 and under. These children are not just being brought to intake, but are also being admitted to secure detention facilities. In 2002, 23% or about 5,000 of the 22,000 secure detention admissions were 14 years of age or younger. Aside from the behavior problems that bring children before the courts, young offenders often exhibit other problem behaviors, including substance abuse, mental health problems, and educational difficulties. Understanding the extent of overlap between delinquency and these other problem behaviors is important for developing effective strategies and targeted interventions.

The issue of young offenders was given serious attention by the Department of Criminal Justice Services in 2001. Data analysis was done resulting in a paper, *Risk and Protective Factors for Delinquency*¹. It reported that an early pattern of bad behavior and aggression is a robust predictor of later delinquency. As part of the process of issue identification, a series of focus groups with professionals in the field was also conducted. They too indicated that young offenders are a problem needing to be addressed.

At the community level, recent cuts in state funding for community-based juvenile justice programs promise a loss of community resources for this and other age groups. To reduce the penetration of young juvenile offenders into the justice system, accurate needs identification and access to services that have been proven effective through scientific research are important. Because such young offenders have a high probability of re-offending, there is a need for early intervention at the community level for this population. A recent OJJDP Child Delinquency Bulletin² reporting results of The Study Group on Very Young Offenders (age 12 and under) suggests that integrated efforts among juvenile justice, education, mental health and child welfare at the community level are necessary to reduce child delinquency. The Study Group found that the best intervention and service programs provide a treatment-oriented, nonpunative framework that emphasizes early identification and intervention.

¹ Hanna, A. (2001). *Risk and protective factors for delinquency*. Juvenile Services Report. Richmond, VA: Virginia Department of Criminal Justice Services, Juvenile Services Section.

² Burns, B., Howell, J., Wiig, J., Augimeri, L., Welsh, B., Loeber, R., & Petechuk, D. (2003). *Treatment, services, and intervention programs for child delinquents*. Child Delinquency Bulletin. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice & Delinquency Prevention.

2. NUMBER OF JUVENILES IN SECURE DETENTION FOR TECHNICAL VIOLATIONS

In 2002, for 22% of admissions to secure detention facilities, the most serious offense was a probation or parole violation. For another 11%, the most serious offense was contempt of court. These are known as technical violations – no new offense has been committed. Together they represent 33% of admissions to secure detention facilities. These detainees are youth who may not represent a risk to public safety; yet their liberty is being revoked.

There are several possible causes for this problem. It may be a direct result of lack of access to and representation by qualified legal counsel. Parental involvement and supervision of the child may be inadequate. There may be a lack of alternative graduated sanctions and services within the child's community. Some of the judiciary may embrace a punitive philosophy of juvenile justice.

3. LEGAL REPRESENTATION OF JUVENILES

Recently, the American Bar Association and the Mid-Atlantic Defender Center published a report about the legal representation of juveniles in Virginia³ that pointed to a number of inadequacies in the current system. According to the report, access to legal counsel and quality representation in delinquency proceedings is lacking in Virginia.

This assessment reveals significant gaps in indigent defense practices, including flaws in the appointment process, lack of time and resources to adequately prepare a case, a tendency to accept plea offers rather than aggressively protect the rights and needs of children and the near absence of any post-dispositional legal representation. The system, as it is presently structured, is, at best, uneven, and clearly has had a disproportionate impact on poor and minority children.
(page 1)

In Virginia, counsel is not appointed until the detention hearing. The practice is that only retained private counsel participate at arrest, intake, and initial detention hearings. When a decision is made to detain a child who has not been represented, the court must provide an opportunity for review of the decision after counsel has been secured.

There is a lack of available juvenile counsel. The report indicates that indigent children in jurisdictions served by public defenders fared better than those in jurisdictions without public defenders where juveniles are represented by court-appointed attorneys. In Virginia, there are no designated Public Defender offices in 110 of the 135 counties and 28 of the 48 independent cities. Thus, most jurisdictions in Virginia use the court-appointed system for juvenile representation. The report suggests that some juvenile counsel are untrained, inexperienced, unprofessional, and incompetent.

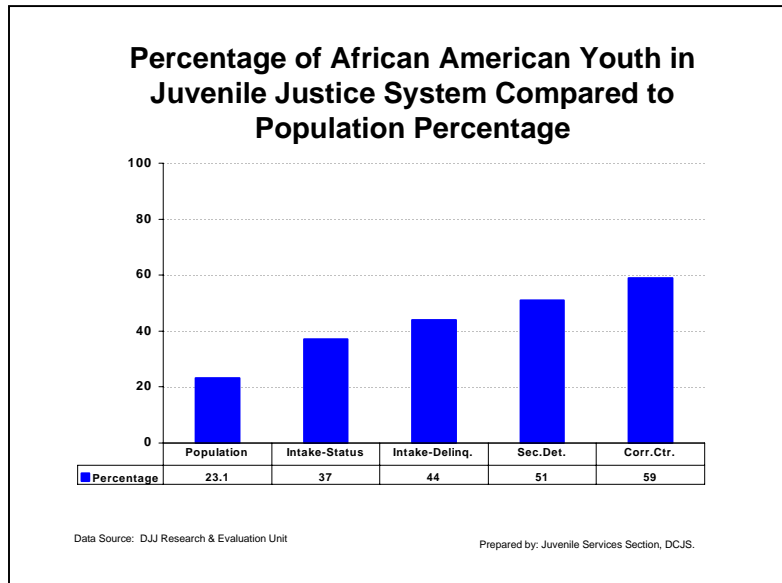
Inadequate advocacy early in the delinquency hearing process may impact outcomes for these children. They are less likely to have someone fight for needed services and less likely to have someone advocate to keep them out of secure detention.

The Juvenile Justice and Delinquency Prevention Advisory Committee, now the Advisory Committee on Juvenile Justice, made this issue a priority under the Challenge Grant program. The work done in this area will be funded through Challenge Grant funds.

³ American Bar Association Juvenile Justice Center & Mid-Atlantic Juvenile Defender Center (2002). *Virginia: An Assessment of access to counsel and quality of representation in delinquency proceedings*. Washington, D.C.: American Bar Association

4. DISPROPORTIONATE MINORITY REPRESENTATION

African American youth are over-represented throughout the juvenile justice system, relative to their percentage in the juvenile population.



They constitute just 23% of the juvenile population, but 37% of intake status offenders, 44% of intake delinquent offenders, 51% of secure detention admissions, and 59% of admissions to juvenile correctional facilities.

Thus, as one moves deeper into the juvenile justice system, the percentage of African-American youth increases.

At the local level in Virginia, the situation varies. Some localities

mirror the state picture. Some localities show no disproportionate minority representation. A few localities show that Hispanic rather than African-American juveniles are disproportionately represented in the system.

Through a variety of methods, Virginia has been actively attempting to change disproportionate minority representation. These include changes in legislation, in intake and detention procedures, sharing of information and strategies with local officials and other community juvenile justice professionals, and training. These are outlined in detail in the Plan for Reducing Disproportionate Representation of Minority Youth Confined in Secure Facilities.

5. MENTAL HEALTH NEEDS OF JUVENILE OFFENDERS

Many children in Virginia's juvenile justice system have demonstrated mental health needs. An analysis of juveniles committed to the State's correctional facilities⁴ indicated that, in 1998, 47% of males and 57% of females had designated mental health treatment needs. They also report a history of substance abuse. In 1998, about 60% of committed juveniles admitted reported a history of marijuana use. Among juvenile offenders, multiple diagnoses of mental illnesses, comorbidity, are common.⁵

To reduce the penetration of juvenile offenders into the justice system or other child-serving systems, accurate needs identification and access to sufficient and effective services are important. A recent manual addressing the mental health issues of juvenile offenders affirms the need for access to services⁶. Professionals working in the field in Virginia continue to identify mental health needs of offenders as a priority area. In a 2001 survey⁷, of juvenile justice professionals, including staff of court service units and members of the judiciary, offenders with mental health problems was the highest ranked of 12 items for one of the three program categories. The problem is not unique to Virginia. A federal Bulletin⁸ indicates that limited attention is given to providing mental health services to incarcerated juveniles across the U.S.

From a different perspective, it has been suggested that the juvenile justice system is used as an alternative treatment resource for children with mental health needs. A recently published report of the American Bar Association recommends, "The Commonwealth should address the increase in mental health and school-related referrals to juvenile court and evaluate their appropriateness, especially as this impacts minority youth."⁹

Mental health issues have been identified as a priority funding area by the Juvenile Crime Enforcement Coalition for the Juvenile Accountability Incentive Block Grants (JAIBG) and by the JJDP Advisory Committee for Challenge grants (committees now consolidated as the Advisory Committee on Juvenile Justice).

⁴ McGarvey, E., & Waite, D. (1999). *Profiles of Incarcerated Adolescents in Virginia Correctional Facilities, Fiscal years 1993-1998: Statewide Data*. Richmond, VA, Virginia Department of Juvenile Justice.

⁵ Lexen, F., & Redding, R. (2000). *Mental Health Needs of Juvenile Offenders*.

⁶ Redding, R. (2001). *Issues of mental health treatment among juvenile offenders: Identification, diagnosis and treatment, a training manual for juvenile justice professionals*. University of Virginia, Institute of Law, Psychiatry & Public Policy. Unpublished document.

⁷ Virginia Department of Criminal Justice Services, Juvenile Services Section (2001). *Juvenile Accountability and Incentive Block Grant (JAIBG) Survey*. Richmond, VA

⁸ Burns, B., Howell, J., Wiig, J., Augimeri, L., Welsh, B., Loeber, R., & Petechuk, D. (2003). *Treatment, services, and intervention programs for child delinquents*. Child Delinquency Bulletin. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice & Delinquency Prevention.

⁹ American Bar Association Juvenile Justice Center & Mid-Atlantic Juvenile Defender Center (2002). *Virginia: An Assessment of access to counsel and quality of representation in delinquency proceedings*. Washington, D.C.: American Bar Association

6. NUMBER OF JUVENILES IN SECURE DETENTION

Why are we putting so many juveniles in secure detention? In 2002, there were 21,727 admissions to secure detention, and 1218 commitments to correctional centers. These numbers suggest that more children are detained than is necessary for public safety.

Under the Virginia Code, juveniles may be detained primarily for reasons of public safety or safety to the juvenile, or if the juvenile has violated probation or parole, or to ensure the juvenile's appearance in court. Although the detentions occurring in Virginia are allowable, there are less restrictive alternatives that would both better serve the children and reduce detention costs.

The criteria for secure detention are more stringent than for commitment to a DJJ juvenile correctional facility. For pre-adjudicatory detention in a secure detention facility, consideration for public safety is the main criterion. For commitment to a correctional facility, the criteria are related specifically to the level of offense that the child has committed. As well, children can be committed to juvenile correctional facilities as punishment. Given this difference in commitment criteria, there should not be such a large disparity between the number of children detained in secure detention and the number of children in correctional facilities. It is important to ensure that detention is used only when no less restrictive alternative exists.

There may be logical reasons for this disparity in numbers -- there are questions worthy of exploration. Some of those questions follow.

How do the time limitations for detention compare to the temporal points at which children are being released? According to § 16.1-277.1, the adjudicatory hearing must be held within 21 days of the juvenile entering secure detention, or the juvenile must be released from detention. For fiscal year 2000, 29% of the juveniles in secure detention were detained for 0-3 days, and 44% were detained from 4-21 days.

Why are juveniles are being released? Are they being released because they have an adjudicatory hearing, or because they must be released due to the statute, although they have not yet had their hearing?

How many juveniles have detention review hearings with a lawyer appointed to represent them? Of those, how many are released upon review? Would earlier advocacy keep more of these children out of detention, and prevent them from being detained for even a few days?

From FY 1998-2000, the number of detention beds grew by 40%, from 686 beds in 1998 to 959 beds in 2000. Is there a relationship between the number of children detained and the number of available beds?

7. ACCESS TO SERVICES FOR JUVENILES IN RURAL AREAS

There is lack of consistency across the state of access to services for juveniles who have had contact with the juvenile justice system. With few exceptions, rural areas have fewer services available to the people in their communities. For juveniles, this lack of available services includes access to quality legal representation, including public defender services, lack of diversion and post- adjudication programs. There is also a lack of local training opportunities for juvenile justice professionals. Although the number of children who need services is lower in rural areas, the lack of available local services is problematic. This is particularly true for accessing specialized services for subgroups of youth, such as substance abuse and sex offender treatment.

8. TRUANCY

Truancy has long been an issue in Virginia. Our most recent data, for 2002, show that 39% of all status intake cases reported truancy as the most serious offense. There has been a 71% increase in intake cases for truancy over the five-year period, 1998-2002.

In 1998, the legislature sought to address the issue of truancy by enacting a statute that requires a school system to develop an intervention plan for any student who is absent five days without parental knowledge. The legislation requires a series of planned steps involving the school and the family. When earlier steps fail, the final required step is filing a petition in the juvenile and domestic relations district court.

Although the intent of the legislature is to hold a child and their parents accountable for school attendance, the procedure varies widely among localities. Those localities that are approaching truancy in a multi-disciplinary fashion are having an impact on the truancy problem. Other localities are not following the legislation; some report that they do not petition any truants to court.

Truancy cases are impacting judicial workload and docket.

The truancy issue is being addressed through two funding streams. Through Challenge Grant funds, we are attempting system-wide change through promoting best practices in meeting the legislative mandates around truancy. Programs for truant children who have not yet come before the court are funded through the Title V delinquency prevention program.

9. SEX OFFENDERS

Juvenile sex offenders are a population of concern. In 2002, the number of juveniles brought to intake where the most serious offense was sexual assault was 670; 606 of those were petitioned to court. For secure detention, there were 386 cases in 2002 where sexual assault was the most serious admitting offense. Some of these children are quite young; in 2002, 42% of those 386 admitted to secure detention facilities for sex offenses were 14 years of age or younger. It is critical that these children be treated early.

There are insufficient treatment beds in secure confinement for this population. The capacity for sex offender treatment for youth committed to DJJ is 250 at any one time. In 2002, 92 juveniles for whom the most serious offense was sexual assault were committed to DJJ. Youth typically remain in secure confinement for between one and three years.

Sex offenders have multiple treatment needs. There is a need to treat youth in the community who are not committed to the DJJ. There is also a need for treatment for juvenile sex offenders after their release from DJJ correctional centers. To reduce sexual offense recidivism, they require specialized aftercare and supervision in the community. Housing is a particular concern for this population, as it may not be appropriate for the offender to remain in or return to his or her home.

Sex offender treatment has been a priority for the Juvenile Accountability and Incentive Block Grant (JAIBG) program, which has more available funds. Therefore, although it is recognized as an area of critical need, it is a low priority for funding under Title II.

Title: Alternatives to Detention

State Program Designator: Alternatives to Detention

Standard Program Area: (02) Alternatives to Detention

Program Problem Statement:

2. Number of Juveniles in Secure Detention for Technical Violations

In 2002, for 22% of admissions to secure detention facilities, the most serious offense was a probation or parole violation. For another 11%, the most serious offense was contempt of court. These are known as technical violations – no new offense has been committed. Together they represent 33% of admissions to secure detention facilities. These detainees are youth who may not represent a risk to public safety; yet their liberty is being revoked.

There are several possible causes for this problem. It may be a direct result of lack of access to and representation by qualified legal counsel. Parental involvement and supervision of the child may be inadequate. Intervening variables, such as substance abuse or mental health problems may confound the supervision of these youth. There may be a lack of alternative graduated sanctions and services within the child's community. Some of the judiciary may embrace a punitive philosophy of juvenile justice.

Program Goals/Objectives/Performance Indicators/Activities:

Goal A: Reduce the number of admissions to secure detention facilities. For technical violations.

Objective 1: Determine the reasons why such a large percentage of admissions to secure detention facilities are for technical violations of probation or parole.

Performance Indicators and Activities:

- Develop questions and methods to determine why many admissions to secure detention facilities are for technical violations of probation or parole.
- Employ strategies for answering the questions and eliciting potential solutions from the juvenile justice system, and representatives of other child-serving agencies, as appropriate.

- Develop a comprehensive strategy to reduce the number of admissions to secure detention facilities that are for technical violations.
- Evaluate the impact of any new admission policies, procedures or other efforts on secure detention facilities.

Budget:

Year	JJDP	State	Total
2003	\$0	\$0	\$0
2004	\$0	\$0	\$0
2005	\$0	\$0	\$0

Expected Number of Subgrants:

We anticipate funding some programs that are alternatives to detention under the Young Juvenile Offenders initiative. Funds for that program are under Deinstitutionalization of Status Offenders and Serious Crime program areas.

Title: Compliance Improvement

State Program Designator: Compliance Improvement

Standard Program Area: (06) Compliance Improvement

Program Problem Statement:

Despite the existence of state law and federal regulation addressing the deinstitutionalization of status and non-offenders, sight and sound separation of juveniles held in adult jails, and the removal of juveniles from adult jails, occasional violations occur in Virginia.

Individual localities found not in compliance with the requirements of the JJDP Act during monitoring are required to submit a corrective action plan to bring the locality into full compliance with the Act. Additionally, grant funding continues to be made available for compliance improvement and to assist the facility and localities in planning for the prevention of future violations.

The Crater Juvenile Detention Facility is the only facility in Virginia currently under a corrective action plan. The plan was initiated in 1999 as the result of multiple jail removal violations. Crater continues to receive technical assistance from DCJS.

A locality seeking solutions for runaways that do not violate the DSO requirements of the JJDP Act has taken a proactive stance and submitted an application for funding. This resulted from technical assistance provided by DCJS Juvenile Services section staff.

Roanoke County, which had violations during the 1999 reporting period, is fully compliant. Its grant funding has been completed.

Loudoun County also had violations during 1999. Loudoun is fully compliant and has had no new violations in the past two years.

Program Goals/Objectives/Performance Indicators/Activities:

Goal A: To ensure that facilities that house juveniles are compliant with the requirements of the JJDP Act.

Objective 1:

To promote alternatives to confinement for status, delinquent, and non-offenders.

PERFORMANCE INDICATORS/ACTIVITIES

- Monitor legislative initiatives relevant to deinstitutionalization, jail removal, and sight and sound separation.
- (See Program Descriptions and funding for Alternatives to Detention and Deinstitutionalization of Status Offenders.)

Objective 2:

To provide technical assistance to localities that are out of compliance.

PERFORMANCE INDICATORS/ACTIVITIES

- Corrective Action Plans.
- Where appropriate, compliance improvement grants.

Objective 3:

To educate juvenile justice professionals about the core requirements of the JJDP Act.

PERFORMANCE INDICATORS/ACTIVITIES

- Training of court service unit directors, juvenile and family court judges, detention home superintendents, sheriffs, police, other law enforcement personnel, and potential grant recipients by presentations at conferences and meetings, attendance at workshops, and provision of technical assistance.

Objective 4:

To work in concert with the Departments of Juvenile Justice and Corrections to ensure that facility standards are equal to the JJDP Act.

PERFORMANCE INDICATORS/ACTIVITIES

- Review the facility standards and certification process of DJJ, the DOC, the Department of Social Services (DSS) and the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS).
- Provide input to DJJ and DOC on proposed regulations and changes in standards.

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Budget:

Year	JJDP	State	Total
2003	\$0*	\$0	\$0
2004	\$75,000	\$0	\$75,000
2005	\$75,000	\$0	\$75,000

* See note below.

Expected Number of Subgrants:

Each year, \$75,000 is being reserved to address potential compliance issues. The current applicant, if funding is approved, will receive funding from the Federal 2002 award. Grants will be for 12 months.

Title: Young Juvenile Offenders

State Program Designator: Deinstitutionalization of Status
Offenders and Serious Crime

Standard Program Area: (08) Deinstitutionalization of Status
Offenders and (29) Serious Crime

Program Problem Statement:

1. Young Juvenile Offenders

The number of juvenile offenders aged 14 and under coming before the court now constitutes a large portion of the intake population. In 2002, 44,000 children were brought to intake for delinquent and status offenses. Of those brought for delinquent offenses, 31% or 14,000 children were aged 14 and under. Of those brought for status offenses, 36% or about 4,000 children were aged 14 and under. These children are not just being brought to intake, but are also being admitted to secure detention facilities. In 2002, 23% or about 5,000 of the 22,000 secure detention admissions were 14 years of age or younger. Aside from the behavior problems that bring children before the courts, young offenders often exhibit other problem behaviors, including substance abuse, mental health problems, and educational difficulties. Understanding the extent of overlap between delinquency and these other problem behaviors is important for developing effective strategies and targeted interventions.

The issue of young offenders was given serious attention by the Department of Criminal Justice Services in 2001. As part of the process of issue identification, a series of focus groups with professionals in the field was also conducted. They too indicated that young offenders are a problem needing to be addressed. Data analysis was done resulting in a paper, *Risk and Protective Factors for Delinquency*. It reported that an early pattern of bad behavior and aggression is a robust predictor of later delinquency.

At the community level, recent cuts in state funding for community-based juvenile justice programs promise a loss of community resources for this and other age groups. Because such young offenders have a high probability of re-offending, communities must develop and implement effective, early interventions for this population. These early interventions must focus on addressing risk factors for delinquency and other adolescent problem behaviors and work to increase protective processes. Clearly, accurately identifying the needs of offenders and accessing sufficient services that have been proven effective through sound

scientific research and are tailored to the needs of each child are important to reduce the penetration of juvenile offenders into the justice system. Intervention programs that foster cooperation among families, schools, and communities need to be devised, implemented, and evaluated, according to the recently published OJJDP Child Delinquency Bulletin (March, 2003).

Goals/Objectives/Performance Indicators/Activities:
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Goal A: Increase the capacity of state agencies and localities to accurately identify the needs of young offenders.

Objective 1: Collaborate with child-serving agencies, including the juvenile justice system to identify the needs of young offenders.

Performance Indicators: The number of meetings and the collection, analysis, and sharing of data regarding this population.

Activities: Continue the collection, analysis, and sharing of information; gather and disseminate resources that reflect the needs of this population.

Objective 2: Improve access to sufficient services that effectively prevent the further penetration of young juvenile offenders into the juvenile justice system.

Performance Indicators & Activities:

- Fund well-planned proposals from localities for young juvenile offenders to conduct assessment (including the use of the Oregon Assessment and Screening Tool, Virginia Version) and intervention(s) using effective methods, demonstrated through scientific research;
- Provide training opportunities to professionals in juvenile justice and other child-serving systems about the causes of young juvenile offending and best practice approaches through workshops sponsored by the Virginia Advisory Committee on Juvenile Justice.
- Develop a mechanism for tracking the outcomes of each young juvenile offender served by these grant funded initiatives.
- Evaluate funded programs along the factors of:
 - General implementation
 - Program Factors
 - Staff Factors
 - Site and Community Specific Factors

- Utilize evaluation results to improve program design, implementation, and provide general best practice information

Budget (DSO):

Year	JJDP	State	Total
2003	\$611,400	\$0	\$611,400
2004	\$378,900	\$0	\$378,900
2005	\$508,900	\$0	\$508,900

Expected Number of Subgrants:

The State expects to make between 4 and 6 subgrants for local young juvenile offender projects at between \$91,000 and \$230,000 each, beginning in July, 2003 and ending December 31, 2004, plus the continuation of existing projects. New grants will have a first phase cycle of 18 months. Continuation grants are for 12 months.

Budget (Serious Crime):

Year	JJDP	State	Total
2003	\$611,400*	\$0	\$611,400
2004	\$378,900	\$0	\$378,900
2005	\$374,900	\$0	\$374,900

Expected Number of Subgrants:

The State expects to make between 4 and 6 subgrants for local young juvenile offender projects at between \$91,000 and \$230,000 each, beginning in July, 2003 and ending December 31, 2004, plus the continuation of existing projects. New grants will have a first phase cycle of 18 months. Continuation grants are for 12 months.

* The evaluation of the Young Juvenile Offender initiative is being funded from the federal 2002 award.

Title: Delinquency Prevention

State Program Designator: Delinquency Prevention

Standard Program Area: (09) Delinquency Prevention

Program Problem Statement:

Prevention is the most constructive and efficient way of building safe communities. Virginia's efforts to develop and strengthen community-based delinquency prevention activities have been long-standing. Research has shown an interconnection between delinquency and other problem behaviors; the risk factors for one problem behavior often overlap with other problem behaviors.

Because of this interconnectedness, DCJS has worked with other state agencies to encourage communities to develop prevention plans that can be used for all of the funding streams, including JJDP Title V, Safe and Drug Free Schools, Family Preservation and Support Act, and the Substance Abuse Prevention and Treatment block grant. Interagency collaboration continues to improve. Interagency initiatives in prevention planning have taken place, co-sponsored by the Departments of Criminal Justice Services, Juvenile Justice, Social Services, Education, and Mental Health, Mental Retardation, & Substance Abuse Services. In the past, this model has been used by many of the agencies, but the planning efforts were sometimes conducted by a single agency, with a single funding source in mind.

Judges in several localities in Virginia have expressed frustration with the number of petitions on their dockets because of truancy. A statute was enacted effective July 1, 1999 which requires the division superintendent to file an action in juvenile court after seven absences if appropriate intermediary steps have been taken by the school system to no avail. This legislation is reportedly clogging the dockets in several jurisdictions.

We have dedicated some Challenge funds to determine how to implement best practices across the state. Some Title V money is going toward programs designed to address truancy prevention.

Goals/Objectives/Performance Indicators/Activities:

Goal A: To support community efforts to plan and implement prevention activities by promoting interagency collaboration in the development of state level structures.

Objective 1: Minimize the creation of parallel planning processes in localities that are all addressing the same risk factors for different problem behaviors

Performance Indicators: Number of purposes for one common comprehensive plan that is developed.

Activities:

- Provide staff and resource support as a member of interagency workgroups formulating a coordinated and integrated structure for the development of prevention services in Virginia (2003-2005).
- Work collaboratively with prevention coalitions to identify effective programs and strategies and to promote further development of proven effective programs (2003-2005).
- Support the development of technical assistance and training resources designed to support efforts by localities in developing collaborative planning structures for prevention programming (2003-2005).
- Through interagency cooperation, develop and sponsor informational, technical assistance, and training sessions on outcome-based evaluation for prevention programming (2003-2005).
- Support other agency initiatives designed to increase collaboration in localities (2003-2005).
- Disseminate information about potential funding or training and technical assistance opportunities (2003-2005).

Objective 2:

Support the implementation of model prevention programs targeting identified risk factors in localities.

Performance Indicators: Number of prevention programs funded through our agency.

Activities:

- Fund programs through Title V for FY03. Continue those programs that are eligible for continuation and performing well through Formula Grant funds for FY 04 and FY 05, as appropriate.
- Provide technical assistance to communities to support prevention programming.

Budget:

Year	JJDP	State	Total
2003	\$0*	\$0	\$0*
2004	\$390,000**	\$	\$390,000**
2005	\$130,000***	\$	\$130,000***

Expected Number of Subgrants:

*Prevention programs are funded through Title V for 2003

**Funds allocated for 2004 represent continuation of grants originated with Title V funds. This amount reflects the amount needed to fund four projects for their third year and two projects for their second year. If Title V funds are once again available, these projects would be continued through Title V funds, and these formula grant funds would be reallocated to other projects.

***Funds allocated for 2005 represent continuation of grants originated with Title V funds; this amount reflects the amount needed to fund two projects for their third year. If Title V funds are once again available, these projects would be continued through Title V funds, and these formula grant funds would be reallocated to other projects.

Title: Disproportionate Minority Representation

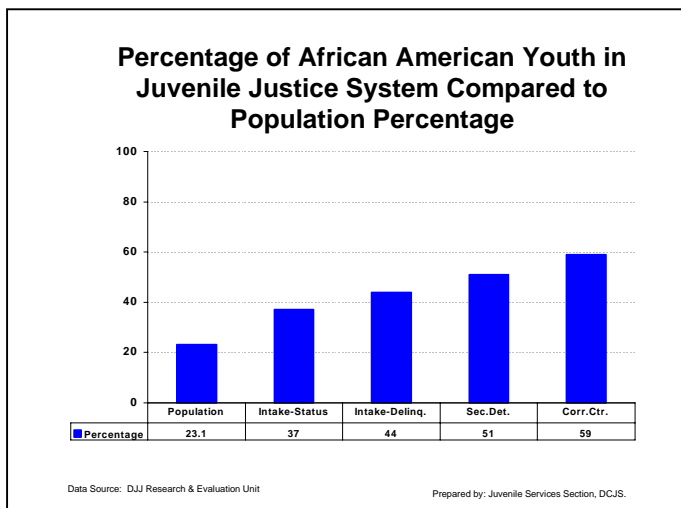
State Program Designator: Disproportionate Minority Representation

Standard Program Area: (10) Disproportionate Minority Representation

Program Problem Statement:

4. Disproportionate Minority Representation

African American youth are over-represented throughout the juvenile justice system, relative to their percentage in the juvenile population.



They constitute just 23% of the juvenile population, but 37% of intake status offenders, 44% of intake delinquent offenders, 51% of secure detention admissions, and 59% of admissions to juvenile correctional facilities.

Thus, as one moves deeper into the juvenile justice system, the percentage of African-American youth increases.

At the local level in Virginia, the situation varies. Some localities mirror the state picture. Some localities show no disproportionate minority representation. A few localities show that Hispanic rather than African-American juveniles are disproportionately represented in the system.

Through a variety of methods, Virginia has been actively attempting to change disproportionate minority representation. These include changes in legislation, in intake and detention procedures, sharing of information and strategies with local officials and other community juvenile justice professionals, and training. These are outlined in detail in the Plan for Reducing Disproportionate Representation of Minority Youth Confined in Secure Facilities.

Budget:

Year	JJDP	State	Total
2003	\$0*	\$0	\$0
2004	\$0	\$0	\$0
2005	\$0	\$0	\$0

* No formula grant funds are allocated at this time. An interagency initiative is now in the planning stage. Challenge grant funds are being requested to address disproportionate minority representation.

Expected Number of Subgrants:

None.

Title: Juvenile Justice System Improvement

State Program Designator: Juvenile Justice System Improvement

Standard Program Area: (19) Juvenile Justice System Improvement

Program Problem Statement:

There are a number of initiatives either currently underway or planned that are designed to improve the juvenile justice system, including system change initiatives in the areas of mental health, truancy, and legal representation of children. As these initiatives are funded through sources other than the Formula Grants program, they are described only in the problem statements and will not be discussed in this program area. The problem that this program area will describe is a research project to examine why so many children are being placed in secure detention.

6. Number of Juveniles in Secure Detention

Why are we putting so many juveniles in secure detention? In 2002, there were 21,272 admissions to secure detention, and 1218 commitments to correctional centers. These numbers suggest that more children are detained than is necessary for public safety.

Under the Virginia Code, juveniles may be detained primarily for reasons of public safety or safety to the juvenile, or if the juvenile has violated probation or parole, or to ensure the juvenile's appearance in court. Although the detentions occurring in Virginia are allowable, there are less restrictive alternatives that would both better serve the children and reduce detention costs.

The criteria for admission to a secure detention facility are more stringent than for commitment to a DJJ juvenile correctional facility. For pre-adjudicatory detention in a secure detention facility, consideration for public safety is the main criterion. For commitment to a correctional facility, the criteria are related specifically to the level of offense that the child has committed. As well, children can be committed to juvenile correctional facilities as punishment. Given this difference in commitment criteria, one would not expect such a large disparity between the number of children in secure detention and correctional facilities. It is important to ensure that detention is used only when no less restrictive alternative exists.

There may be logical reasons for this disparity in numbers. The Department of Juvenile Justice is exploring an opportunity to work with the Annie E. Casey Foundation on a detention reform initiative that will likely address those reasons. There are a number of questions that are worthy of exploration. Some of those questions follow.

- How do time limitations for detention compare to the temporal points at which children are being released? According to §16.1-277.1, the adjudicatory hearing must be held within 21 days of the juvenile entering secure detention, or the juvenile must be released from detention. For fiscal year 2000, 29% of the juveniles in secure detention were detained for 0-3 days, and 44% were detained from 4-21 days.
- Why are juveniles are being released? Are they being released because they have an adjudicatory hearing, or because they must be released due to the statute, although they have not yet had their hearing?
- How many juveniles have detention review hearings with a lawyer appointed to represent them? Of those, how many are released upon review? Would earlier advocacy keep more of these children out of detention, and prevent them from being detained for even a few days?
- From FY 1998-2000, the number of detention beds grew by 40%, from 686 beds in 1998 to 959 beds in 2000. Is there a relationship between the number of children detained and the number of available beds?

Recently, the American Bar Association and the Mid-Atlantic Defender Center published a report about the legal representation of juveniles in Virginia¹⁰ that articulated inadequacies in the current system. According to the report, access to legal counsel and quality representation in delinquency proceedings is lacking in Virginia.

This assessment reveals significant gaps in indigent defense practices, including flaws in the appointment process, lack of time and resources to adequately prepare a case, a tendency to accept plea offers rather than aggressively protect the rights and needs of children and the near absence of any post-dispositional legal representation. The system, as it is presently structured, is, at best, uneven, and clearly has had a disproportionate impact on poor and minority children. (page 1)

In most localities in Virginia, counsel is not appointed until the detention hearing. The practice is that only retained private counsel participate at arrest, intake, and initial detention hearings. When a decision is made to detain a child who has not been represented, the court must provide an opportunity for review of the decision after counsel has been secured.

There is a lack of available juvenile counsel. The report indicates that indigent children in jurisdictions served by public defenders fared better than those in jurisdictions without public defenders where juveniles are represented by court-appointed attorneys. In Virginia, there are no designated Public Defender offices in 110 of the 135 counties and 28 of the 48 independent cities. Thus, most jurisdictions in Virginia use the court-appointed system for juvenile

¹⁰ American Bar Association Juvenile Justice Center & Mid-Atlantic Juvenile Defender Center (2002). *Virginia: An Assessment of access to counsel and quality of representation in delinquency proceedings*. Washington, D.C.: American Bar Association

representation. The report suggests that some juvenile counsel are untrained, inexperienced, unprofessional, and incompetent.

Inadequate advocacy early in the delinquency hearing process may impact outcomes for these children. They are less likely to have someone fight for needed services and less likely to have someone advocate to keep them out of secure detention.

Goals/Objectives/Performance Indicators/Activities:
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Goal A: Obtain a better grasp of the reasons for the high use of detention and then determine how to reduce the number.

Objective: Attempt to answer some of the questions posed above.

Performance Indicators: Number of questions answered.

Activities: Coordinate with the Department of Juvenile Justice and their detention reform initiative. Many of these questions may be answered through that process. Otherwise, some activities may include the use of focus groups and review the data to determine the patterns and reasons for the high rates of detention.

Goal B: Reduce the numbers of juveniles in detention.

Objective: Use detention only for those juveniles for whom it is appropriate, for whom no lesser restrictive alternative exists.

Performance Indicators: Number of juveniles in detention.

Activities: Develop strategies based on responses to the answers to the questions posed above. Specific activities are to be determined later, but may include education about the need for legal representation (done through Challenge funding); expanded use of pre-adjudicatory supervision that reminds juveniles when they are to be in court to minimize the number of juveniles who fail to appear for their hearing; increased alternatives to detention; and strategies to reallocate existing funds to maximize the community-based options available to keep juveniles in the community and out of detention.

Budget:

Year	JJDP	State	Total
2003	\$0	\$0	\$0
2004	\$*	\$	\$
2005	\$*	\$	\$

Expected Number of Subgrants:

*No formula grant funds are allocated at this time. Depending on the results of the research undertaken into the causes of the increased detention numbers and the resultant strategies developed, funds may be allocated in FY04 and/or FY05.

Title: Planning and Administration

State Program Designator: Planning and Administration

Standard Program Area: (23) Planning and Administration

Program Problem Statement:

To improve the functioning and effectiveness of the juvenile justice system through research, planning, policy development, and funding of juvenile justice and delinquency prevention initiatives.

Program Goals/Objectives/Performance Indicators/Activities:

Goal A: Oversee, administer, and coordinate activities as they relate to the JJDP Act by monitoring compliance, administering grants, undertaking comprehensive, research-based planning, providing technical assistance and training, and providing program development.

Objective 1:

Ensure that Virginia continues to comply with all JJDP Act mandates and requirements and all federal administrative requirements.

Performance Indicators/Activities:

- Submit required monitoring, compliance, and performance update reports to OJJDP, including the monitoring report, the performance report, updates to the three-year plan, and Annual Reports, according to their established timelines.
- Perform on-site facility visits, review on-site monitoring reports originated by other agencies, monitor facility statistical reports, verify and report violations, and develop corrective strategies to ensure compliance with the JJDP Act.
- Provide OJJDP with all required grant documentation.
- Maintain a grant monitoring and evaluation system to ensure quality funding decisions.
- Conduct annual monitoring of JJDP grantees in Virginia.
- Work with the General Assembly to ensure that the *Code of Virginia* continues to comply with the JJDP Act
- Provide public education about the mandates of the JJDP Act to the Department of Juvenile Justice, state and local law enforcement agencies, judges, and other relevant agencies and citizen groups.

Objective 2:

Maintain a financial assistance mechanism for grants to state agencies and general units of local government using federal JJDP Act funds.

Performance Indicators/Activities:

- Maintain a financial accounting system for dispersing federal funds to state agencies and localities.
- Develop and disseminate fiscal guidelines detailing the appropriate use of JJDP funds.
- Provide technical assistance to state agencies and general units of local governments.

Objective 3:

Provide staff support services to the Secretary of Public Safety in his efforts to improve the juvenile justice system in Virginia.

Performance Indicators/Activities:

- Provide data and information about Virginia's juvenile justice system in public forums, in report form, and on the Agency web site.
- Develop potential impact statements about proposed and introduced legislation to assist the executive branch of state government.
- Participate in study committees and policy analysis activities.
- Respond to information requests from the General Assembly.

Objective 4:

Maintain a comprehensive juvenile justice planning, data analysis, technical assistance, program development, and training capability.

Performance Indicators/Activities:

- Develop issue papers concerning major juvenile justice problems.
- Develop data-based policy and planning documents for state decision-makers to implement JJDP goals, objectives, and mandates.
- Coordinate with local, regional, and state agency planners to ensure a comprehensive planning capability for juvenile services.
- Attend nationally sponsored conferences on juvenile justice issues.
- Maintain contact with juvenile justice specialists in other states for resource and information sharing.
- Receive and provide training in the areas of program development, evaluation, and data analysis.

Goal B: Work with the Executive Branch to appoint and support the State Advisory Group (SAG).

Objective 1: Provide administrative support to the SAG.

Performance Indicators/Activities:

- Convene a minimum of four SAG group meetings annually.
- Staff one annual retreat for comprehensive planning by the SAG.
- Respond to information requests from SAG members.

Budget:

Year	JJDP	State	Total
2003	\$139,200	\$139,200	\$278,400
2004	\$139,200	\$139,200	\$278,400
2005	\$139,200	\$139,200	\$278,400

VIII Exceptions to the Certified Assurances

Title: Young Juvenile Offenders

State Program Designator: Serious Crime

Standard Program Area: (29) Serious Crime

The Serious Crime and Deinstitutionalization of Status Offenders program areas are being addressed jointly by the Young Juvenile Offenders initiative. Details about the program are contained in the Deinstitutionalization of Status Offenders Program Area (#08)

VIII Exceptions to the Certified Assurances

Title: State Advisory Group

State Program Designator: State Advisory Group

Standard Program Area: (31) State Advisory Group

Program Problem Statement:

The Virginia Juvenile Justice and Delinquency Prevention Advisory Committee, now the Advisory Committee on Juvenile Justice, is appointed by the Governor to advise the Governor, the Secretary of Public Safety, the Criminal Justice Services Board, DCJS, youth-serving agencies, and the public on matters relating to juvenile justice and delinquency prevention.

It also provides leadership in prioritizing efforts under the JJDP Act and funds allocated under the Juvenile Accountability Incentive Block Grants (JAIBG). The group represents a cross section of agency providers, private citizens, elected officials and youth. In addition, the committee reviews and recommends projects for funding from JJDP Act formula grants and JAIBG grants.

Program Goals/Objectives/Performance Indicators/Activities:

Goal A: To improve the prevention and treatment of juvenile delinquency in Virginia.

Objective 1:

Improve the knowledge of needs, problems and solutions regarding the prevention and treatment of juvenile delinquency.

Performance Indicators/Activities

- Distribute and provide online the Annual Report of the JJDP Advisory Committee, the Three-Year Plan and annual Updates, topic-specific research reports, and fact sheets.
- Provide presentations on juvenile justice issues to state boards and commissions, local units of government and the public.
- Provide training opportunities for Advisory Committee members.
- Develop and maintain subcommittees of the Advisory Committee.

VIII Exceptions to the Certified Assurances

Objective 2

Ensure the development of new programs across the Commonwealth that address priority needs.

Performance Indicators/Activities

- Develop and maintain grants subcommittees of the Advisory Committee.
- Annually, develop a list of priority problems and needs based on data analysis and review of the service system's capability.
- Annually, prioritize efforts under the JJDP Act and the JAIBG program based on data analysis and review of the service system's capability.
- Approve, annually, an application packet for juvenile justice grant funds outlining priority needs.
- Review and make recommendations on all JJDP Act and JAIBG program grant applications prior to final approval by the Criminal Justice Services Board.

Objective 3

Work toward a solution of the imbalance of service availability throughout the Commonwealth.

Performance Indicators/Activities

- Request presentations from state service agencies on their representative service systems.
- Request presentations on interagency initiatives formulated to respond to service gaps.
- Offer initiatives, for example, the one-time special fund program and the concept paper model of grant solicitations, that make it easier for all localities, regardless of their employment of grant writers, to avail themselves of JJDP funds.
- Offer initiatives that do not discriminate against specific populations such as rural localities.

Objective 4

Improve the legal processing of juveniles in Virginia.

Performance Indicators/Activities

- The Advisory Committee has made this a priority area for 2003-2005.

VIII Exceptions to the Certified Assurances

(For details of activities and performance indicators, see the Problem Statement, *Legal Representation of Juveniles*, and the Juvenile Justice System Improvement Program Description)

VIII Exceptions to the Certified Assurances

Goal B

Ensure Virginia's compliance with the core requirements of the Juvenile Justice and Delinquency Prevention Act.

Objectives/Performance Indicators/Activities

- Advisory Committee monitors statistical, programmatic and compliance information and reports on an annual basis through the Compliance Monitoring Report, the JJDP Advisory Committee (now the Advisory Committee on Juvenile Justice) Annual Report and the Three-Year Plan and Updates.
- Advisory Committee certifies local compliance for Title V grant eligibility.

(See the Compliance Improvement Program Description, the Compliance Monitoring Plan, and the Disproportionate Minority Representation Plan for details of the Commonwealth's strategies and procedures for ensuring compliance with the core requirements of the Act.)

Budget:

Year	JJDP	State	Total
2003	\$30,000	\$0	\$30,000
2004	\$30,000	\$0	\$30,000
2005	\$30,000	\$0	\$30,000

Expected Number of Subgrants:

Not applicable.